

No. 249

UNITED STATES OF AMERICA
and
FRANCE

Exchange of Notes (with annex) constituting an agreement relating to the extension of the time for fulfilling the conditions and formalities of the copyright laws. Washington, 27 March 1947

English and French official texts communicated by the Permanent Representative of the United States of America at the seat of the United Nations. The registration took place on 21 June 1948.

ETATS-UNIS D'AMERIQUE
et
FRANCE

Echange of notes (avec annexe) constituant un accord relatif à la prolongation des délais impartis pour répondre aux conditions prévues et remplir les formalités requises en matière de copyright. Washington, 27 mars 1947

Textes officiels anglais et français communiqués par le représentant permanent des Etats-Unis d'Amérique au siège de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 21 juin 1948.

No. 249. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE RELATING TO THE EXTENSION OF THE TIME FOR FULFILLING THE CONDITIONS AND FORMALITIES OF THE COPYRIGHT LAWS. WASHINGTON, 27 MARCH 1947

I

The French Ambassador to the Acting Secretary of State

AMBASSADE DE FRANCE AUX ÉTATS-UNIS

Washington, le 27 Mars 1947

Monsieur le Secrétaire d'Etat,

Le Gouvernement de la République Française a pris connaissance de l'Acte du Congrès des Etats-Unis du 25 septembre 1941² qui prévoit, sous condition de réciprocité, l'extension, pour les conditions et formalités exigées par la législation américaine, du délai accordé aux auteurs, propriétaires de copyrights ou propriétaires d'œuvres présentées ou publiées en premier lieu à l'étranger, qui ont été empêchés de remplir ces formalités par suite de la suspension ou de la cessation des facilités nécessaires.

Mon Gouvernement me demande de vous faire savoir que, du fait de la deuxième guerre mondiale, les ressortissants français, auteurs et propriétaires de copyrights ont, depuis l'ouverture des hostilités entre la France et l'Allemagne, le 3 septembre 1939, été empêchés de remplir les formalités exigées par la loi américaine.

Le Gouvernement Français exprime le désir que les ressortissants français dont les œuvres peuvent faire l'objet de copyrights aux Etats-Unis, soient admis à bénéficier, conformément à la procédure prévue dans l'Acte du 25 septembre 1941, de l'extension de délai accordée pour l'accomplissement de ces formalités.

A ce sujet, le Gouvernement Français m'a demandé de soumettre à l'attention de Votre Excellence les dispositions suivantes de la législation française concernant les droits d'auteurs :

¹ Came into force on 27 March 1947, by the exchange of the said notes.

² Etats-Unis d'Amérique, 55 Stat. 732.

TRADUCTION — TRANSLATION

N° 249. ECHANGE DE NOTES¹ CONSTITUANT UN ACCORD ENTRE LES ETATS-UNIS D'AMERIQUE ET LA FRANCE RELATIF A LA PROLONGATION DES DELAIS IMPARTIS POUR REPENDRE AUX CONDITIONS PREVUES ET REMPLIR LES FORMALITES REQUISES EN MATIERE DE COPYRIGHT. WASHINGTON, 27 MARS 1947

I

L'Ambassadeur de France au Secrétaire d'Etat par intérim

TRADUCTION² — TRANSLATION²

EMBASSY OF FRANCE IN THE UNITED STATES

Washington, March 27, 1947

Mr. Secretary of State:

The Government of the French Republic has taken cognizance of the Act of the Congress of the United States of September 25, 1941,³ which provides for extending, on a reciprocal basis, the time for the fulfilment of the conditions and formalities prescribed by the laws of the United States in the case of authors, copyright owners, or proprietors of works first produced or published abroad who have been prevented from complying with those formalities because of the disruption or suspension of the necessary facilities.

My Government requests me to inform you that, because of World War II, French nationals who are authors and copyright owners have been prevented, since the outbreak of hostilities between France and Germany on September 3, 1939, from fulfilling the formalities prescribed by the laws of the United States.

It is the desire of the French Government that French nationals whose works are eligible for copyright in the United States be permitted to benefit, in accordance with the procedure provided in the Act of September 25, 1941, by the extension of time granted for fulfilling those formalities.

In this connection, the French Government has requested me to invite Your Excellency's attention to the following provisions of French legislation regarding copyright:

¹ Entré en vigueur le 27 mars 1947, par l'échange desdites notes.

² Traduction du Gouvernement des Etats-Unis d'Amérique.

² Translation by the Government of the United States of America.

³ United States, 55 Stat. 732.

1. The law of July 19, 1793 protects the author during his entire life-time against the pirating of a work published in France. This right belongs to the heirs of the author for fifty years after the latter's death. This time limit was increased to 56 years and 152 days by the Law of February 3, 1919, for works published before December 31, 1920 which had not become public property at the time of the promulgation of the said law. No deposit, declaration or tax payment is necessary in order that the persons concerned may enjoy such right.

2. The Act called Law of July 22, 1941, extended the rights of the heirs and assigns of the authors until the end of the year following the signature of the peace treaties.

3. The Decree-Law of March 28, 1852 extended to works published abroad the protection granted to works published in France: that Decree assures to foreigners the same protection as that which is granted to them by their own national laws. For example, an American work is not protected in France for the duration of the author's life plus 56 years and 152 days, but for 28 years plus 28 years (on proof that the copyright has been renewed in the United States for the second period of 28 years). Furthermore, aliens cannot have in France more rights than have French nationals.

4. This very liberal legislation, which is not subject to reciprocity, was kept in force during the war: American authors have accordingly suffered no prejudice to their rights in France because of the war.

The French Government would, therefore, greatly appreciate it if the President of the United States would proclaim, in accordance with the Act of September 25, 1941, that, by reason of the conditions which existed for several years after September 3, 1939, French citizens who are the authors, copyright owners, or proprietors of works which were first produced or published outside the United States and which are eligible for copyright or renewal under the laws of the United States, have been temporarily unable to comply with the conditions and formalities prescribed, with respect to such works, by the laws of the United States.

By reason of the fact that the aforesaid French Law of July 22, 1941 extends the rights of their heirs and assigns of authors until the end of the year following the signature of the peace treaties, the French Government would further appreciate receiving the assurance that the extension of time provided by the proclamation of the President of the United States will be for a period

et éventuellement susceptible d'être prorogé par accord entre les deux gouvernements.

Veillez agréer, Monsieur le Secrétaire d'Etat, l'assurance de ma très haute considération.

H. BONNET

Son Excellence Monsieur Dean Acheson
Secrétaire d'Etat, a.i.
Washington, D. C.

II

The Acting Secretary of State to the French Ambassador

DEPARTMENT OF STATE
WASHINGTON

March 27, 1947

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of today's date in which you refer to the Act of Congress approved September 25, 1941, which authorizes the President to extend by proclamation the time for compliance with the conditions and formalities prescribed by the copyright laws of the United States of America with respect to works first produced or published outside the United States of America and subject to copyright under the laws of the United States of America when the authors, copyright owners, or proprietors of such works are or may have been temporarily unable to comply with those conditions and formalities because of the disruption or suspension of the facilities essential to such compliance.

You state that by reason of conditions arising out of World War II authors, copyright owners, and proprietors who are citizens of France have lacked during several years of the time since the outbreak of the war between France and Germany on September 3, 1939 the facilities essential to compliance with and to the fulfillment of the conditions and formalities established by the laws of the United States of America relating to copyright.

You express the desire of the Government of the French Republic that, in accordance with the procedure provided in the Act of September 25, 1941, the time for fulfilling the conditions and formalities of the copyright laws of the United States of America be extended for the benefit of citizens of France whose works are eligible to copyright in the United States of America.

of at least one year from the date of its coming into force and, should the occasion arise, liable to extension by agreement between the two Governments.

Please accept, Mr. Secretary of State, the assurance of my very high consideration.

H. BONNET

His Excellency Dean Acheson,
Acting Secretary of State
Washington, D.C.

II

Le Secrétaire d'Etat par intérim à l'Ambassadeur de France

DÉPARTEMENT D'ÉTAT
WASHINGTON

Le 27 mars 1947

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de la note de Votre Excellence en date de ce jour, dans laquelle vous vous reportez à l'Acte du Congrès adopté le 25 septembre 1941 qui autorise le Président à prolonger par voie de proclamation le délai imparti pour répondre aux conditions et remplir les formalités requises par la législation des Etats-Unis d'Amérique en matière de droits d'auteur en ce qui concerne les œuvres présentées ou publiées en premier lieu hors des Etats-Unis d'Amérique et qui font l'objet d'un copyright en vertu de la législation des Etats-Unis d'Amérique, lorsque les auteurs, titulaires de copyrights ou propriétaires de ces œuvres se trouvent ou se sont trouvés temporairement empêchés de répondre à ces conditions et de remplir ces formalités par suite de la cessation ou de la suspension des facilités indispensables à cette fin.

Vous déclarez que, en raison des circonstances nées de la deuxième guerre mondiale, les ressortissants français auteurs, titulaires de droits d'auteur ou propriétaires d'œuvres ont été privés, pendant plusieurs des années qui ont suivi l'ouverture des hostilités entre la France et l'Allemagne le 3 septembre 1939, des facilités indispensables pour répondre aux conditions et remplir les formalités requises par la législation des Etats-Unis d'Amérique en matière de copyright.

Au nom du Gouvernement de la République française, vous exprimez le désir que, conformément à la procédure prévue par l'Acte du 25 septembre 1941, le délai imparti pour répondre aux conditions et remplir les formalités requises par la législation des Etats-Unis en matière de droits d'auteur soit prolongé en faveur des ressortissants français dont les œuvres peuvent faire l'objet du copyright aux Etats-Unis d'Amérique.

You invite attention to the very favorable legislation in France which was kept in force during the war and point out that, as a consequence, American authors have suffered no prejudice to their rights in France because of the war.

I have the honor to inform Your Excellency that the President has issued today a proclamation, a copy of which is annexed hereto, declaring and proclaiming pursuant to the provisions of the aforesaid Act of September 25, 1941 on the basis of the favorable treatment accorded by France to authors and copyright proprietors of the United States of America that as regards (1) works of citizens of France which were first produced or published outside the United States of America on or after September 3, 1939 and subject to copyright under the laws of the United States of America and (2) works of citizens of France subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there has existed during several years of the time since September 3, 1939 such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the said Act of September 25, 1941; and that accordingly the time within which compliance with such conditions and formalities may take place is extended with respect to such works until the day on which the President of the United States shall, in accordance with the said Act, terminate or suspend that declaration and proclamation. That proclamation provides that it shall be understood that the term of copyright in any case is not and cannot be altered or affected by the President's action and that the extension is subject to the proviso of the said Act of September 25, 1941 that no liability shall attach under the copyright act for lawful uses made or acts done prior to the effective date of that proclamation in connection with the works to which it relates, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

In accordance with the proposal made by Your Excellency in the note under acknowledgment, the extension of time provided by that proclamation will continue for at least one year from today's date, subject to extension on agreement between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

Dean ACHESON
Acting Secretary of State

Enclosure:
Copy of proclamation

His Excellency Henri Bonnet
Ambassador of the French Republic

A N N E X

COPYRIGHT EXTENSION: FRANCE
By the President of the United States of America

A PROCLAMATION

WHEREAS by the act of Congress approved September 25, 1941 (55 Stat. 732) the President is authorized, on the conditions prescribed in that act, to grant an extension of time for the fulfilment of the conditions and formalities prescribed by the copyright laws of the United States of America with respect to works first produced or published outside the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, including works subject to *ad interim* copyright, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS satisfactory official assurances have been received that under the law of France treatment substantially equal to that authorized by the aforesaid act of September 25, 1941 is accorded in France to citizens of the United States of America; and

WHEREAS the aforesaid official assurances are embodied in a note dated this day from the Ambassador of France at Washington to the Secretary of State of the United States of America; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated April 9, 1910 (36 Stat. 2685) citizens of France are, and since July 1, 1909 have been, entitled to the benefits of the act of Congress approved March 4, 1909 (35 Stat. 1075) relating to copyright, other than the benefits of section 1 (e) of that act; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated May 24, 1918 (40 Stat. 1784), the citizens of France are, and since May 24, 1918 have been, entitled to the benefits of section 1 (e) of the aforesaid act of March 4, 1909;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of authority vested in me by the aforesaid act of September 25, 1941, do declare and proclaim:

That with respect to (1) work of citizens of France which were first produced or published outside the United States of America on or after September 3, 1939 and subject to copyright under the laws of the United States of America, and (2) works of citizens of France subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there has existed for several years of the time since September 3, 1939 such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid act of September 25, 1941; and that accordingly the time within which compliance with such conditions and formalities may take place is hereby extended with respect to such works until the day on which the President of the United States of America shall, in accordance with that act, terminate or suspend the present declaration and proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation, and that, as provided by the aforesaid act of September 25, 1941, no liability shall attach under the Copyright Act for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of March, in the year of our Lord nineteen hundred and forty-seven and of the Independence of the United States of America the one hundred seventy-first.

Harry S. TRUMAN

[SEAL]

By the President:

Dean ACHESON

Acting Secretary of State